

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

BRUCE CHARLES, on behalf of himself
and all other similarly situated prisoners
at David Wade Correctional Center,

and

The ADVOCACY CENTER,

PLAINTIFFS,

VS.

JAMES M. LEBLANC, *et al.*,

DEFENDANTS.

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CIVIL ACTION NO.:

5:18-CV-00541-EEF-MLH

JUDGE ELIZABETH E. FOOTE

USMJ MARK L. HORNSBY

CLASS ACTION

PARTIES' JOINT MEMORANDUM
ON CLASS CERTIFICATION SCHEDULING

The Parties have jointly agreed that the class certification motion can be deferred to the dispositive motion stage. The Parties wish to conduct discovery for both class certification and the merits at the same time. The Parties understand that new deadlines will be set for expert reports and the closure of discovery.

There is authority supporting this Court's ability to schedule resolution of the class certification issues at the dispositive motion stage. The mandate of the Federal Rules is that the Court resolve the question of class certification at "an early practicable time." Fed. R. Civ. P. 23(c)(1). "Rule 23 permits a district court, in appropriate circumstances, to defer the issue of class certification until after disposing of summary judgment motions." *Danny B. ex rel. Elliott v.*

Raimondo, 784 F.3d 825, 837–38 (1st Cir. 2015), *see also Toben v. Bridgestone Retail Operations*, 751 F.3d 888, 896 (8th Cir. 2014); *Curtin v. United Airlines, Inc.*, 275 F.3d 88, 93 (D.C. Cir. 2001).

Jointly submitted by the Parties on this 12th day of April, 2019 through undersigned counsel.

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Counsel for Defendants

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on the Defendants the 12th day of April, 2019, by utilization of this Court's CM/ECF system.

/s/ Jonathan Trunnell
Jonathan Trunnell